

Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: MHL092-850	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED R-C 09/20/2019
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NAME OF PROVIDER OR SUPPLIER ACCESS HEALTH SYSTEM 2, INC	STREET ADDRESS, CITY, STATE, ZIP CODE 5208 COUNTRY PINES COURT RALEIGH, NC 27616
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V 000	<p>INITIAL COMMENTS</p> <p>A complaint and follow up survey was completed on September 20, 2019. The complaints were unsubstantiated (intake #NC00155790, 00155889, 00154034). A deficiency was cited.</p> <p>This facility is licensed for the following service category: 10A NCAC 27G .5600A Supervised Living for Adults with Mental Illness</p>	V 000		
V 512	<p>27D .0304 Client Rights - Harm, Abuse, Neglect</p> <p>10A NCAC 27D .0304 PROTECTION FROM HARM, ABUSE, NEGLECT OR EXPLOITATION</p> <p>(a) Employees shall protect clients from harm, abuse, neglect and exploitation in accordance with G.S. 122C-66.</p> <p>(b) Employees shall not subject a client to any sort of abuse or neglect, as defined in 10A NCAC 27C .0102 of this Chapter.</p> <p>(c) Goods or services shall not be sold to or purchased from a client except through established governing body policy.</p> <p>(d) Employees shall use only that degree of force necessary to repel or secure a violent and aggressive client and which is permitted by governing body policy. The degree of force that is necessary depends upon the individual characteristics of the client (such as age, size and physical and mental health) and the degree of aggressiveness displayed by the client. Use of intervention procedures shall be compliance with Subchapter 10A NCAC 27E of this Chapter.</p> <p>(e) Any violation by an employee of Paragraphs (a) through (d) of this Rule shall be grounds for dismissal of the employee.</p> <p>This Rule is not met as evidenced by: Based on interviews and record review one of</p>	V 512		

Division of Health Service Regulation LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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V 512	<p>Continued From page 1</p> <p>one audited staff (Director) subjected three of five (#2, #4, #5) clients to abuse. The findings are:</p> <p>A. Review on 9/17/19 of client #2's record revealed:</p> <ul style="list-style-type: none"> -Admission date of 8/31/18. -Diagnoses of Schizoid Personality, Obsessive Compulsive Disorder (OCD), Hypertension and Hyperthyroidism <p>During interview on 9/17/19 Client #2 stated:</p> <ul style="list-style-type: none"> -She had started attending a day program a few weeks ago. -Started going to the Senior Center two to three days a week. -The Director told them they needed to go to a program or "You will be kicked out of the house." -The Director told them they were "eating him out of house and home" by being there all day. -They have all been going to the "Senior Center" since the Director told them to. -"I don't mind going, I just do not want to go everyday." <p>During interview on 9/18/19 Client #2's Department of Social Services (DSS) Guardian stated:</p> <ul style="list-style-type: none"> -Took client #2 to several Senior Centers and she decided on one to attend. -She was going two to three days a week as she desired. -She received a phone call a month ago from client #2 who was in a "Panic." -Client #2 was at another provider's office (Assertive Community Treatment- ACT) which she did not receive services from. -Client #2 was inquiring about classes she could take. -Told Client #2 she just could not show up at a provider and ask for classes if she did not 	V 512		

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V 512	<p>Continued From page 2</p> <p>receive all her services from that specific provider.</p> <ul style="list-style-type: none"> -Client #2 told her that she had to find something to do during the day or she would be "kicked out of her house." -Client #2 told her the Director was telling them they needed to go to programs. -Informed client #2 she was attending a program during the day. -Client #2 was worried she was not gone everyday. -Informed client #2 they could not "kick her out" of the home for not attending a program. -Did not address this with the Licensee/Qualified Professional (QP) as she felt she had calmed client #2's fears of being kicked out. -Not surprised the Director had told client #2 this because she had another client in a sister facility and that client was told the same information. <p>B. Review on 9/17/19 of client #4's record revealed:</p> <ul style="list-style-type: none"> -Admission date of 7/30/18. -Diagnoses of Schizoaffective Disorder and Neurocognitive Disorder. <p>During interview on 9/17/19 Client #4 stated:</p> <ul style="list-style-type: none"> -Started attending a Day Program (Senior Center) a few weeks ago. -Was told by the Director, he had to go two to three days a week. -He stated, "I'm on my way out anyway. - [Director] told me to call my brother and get out." -The Director informed him a few weeks ago that if he did not attend a Day Program he would have to "get out." -"I never said I wouldn't go." 	V 512		

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V 512	<p>Continued From page 3</p> <ul style="list-style-type: none"> - "I just said, I didn't want to go." - Not sure what the "big deal" was to start going to programs for everyone. - Called his brother (legal guardian) and told him what the Director said. - Was really worried if he did not go to the Day Program, he would have to move out. - He visited some Day Programs, and really liked one. - Was told he could not attend that one. - Not sure why. - He had to go to the Senior Center where the rest of the clients attended. - "I just sit around there all day." <p>During interview on 9/18/19 Client #4's legal Guardian/brother stated:</p> <ul style="list-style-type: none"> - Spoke with the Director about two weeks ago regarding some concerning things his brother (client #4) told him. - Contacted the Director to ask as his brother was very upset and worried about being "kicked out." - Client #4 told him the Director said he had to leave in a few weeks if he did not find a day program to attend. - During his conversation, the Director was very "belligerent" toward him. - The Director told him his brother had to find a program to go to during the day. - The Director told him "In so many words, if he did not find a program, he would have to leave." - "I told the Director my brother's concerns with losing his placement." - The Director seemed to rush him off the phone. - Client #4 had called him several times over the last six weeks with concerns of being "evicted." 	V 512		

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V 512	<p>Continued From page 4</p> <ul style="list-style-type: none"> -Spoke to client #4 three to four times a week. -Client #4 had expressed he did not want to attend a program, but was being dropped off at a "Senior Center." -Client #4 told him he is basically sitting in a library for six hours a day at the "Senior Center" with nothing to do. -Client #4 told him of another day program he was interested in going to, that he had toured. -The Director had told him he could pick one to attend. -When he did pick one, he was told no. -Client #4 stated the Director told him he could not attend that program, he had to go where the others go. -Felt like the Director did not want to transport the clients to different programs. -"He want to keep them at the same location." -"I feel like this is stressing my brother out as he keeps bringing it up in our conversations." -Client #4 had been there over a year and had been hospitalized prior to moving in. -Worried this will cause him to go into "crisis" again where he may end up back in the hospital due to his increased anxiety of being "evicted." <p>C. During interview on 9/17/19 Client #5 stated:</p> <ul style="list-style-type: none"> -Started attending a day program a few weeks ago. -Will be going three days a week. -This was "not optional." -The Director told them if they did not attend a day program, "he would make sure we wouldn't like staying in the house." -The Director told her he would take some of her pay, "from my \$66.00." -Currently received \$47.00 a month after her medication co-pays are taken out. 	V 512		

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V 512	<p>Continued From page 5</p> <ul style="list-style-type: none"> -The Director had not taken any of her money at this point, because she had been attending the day program. <p>During interview on 9/17/19 Staff #2 stated:</p> <ul style="list-style-type: none"> -Had been working in the home since July 2017. -Worked a week on and a week off. -Clients started attending a day program a few weeks ago. -The Director told them they had to go to a day program. -"Not sure what happened, but the clients told me they needed to go to a day program." -The clients had expressed they did not want to go to a day program. -Had not been given any instructions as to how many days they are to go. -The clients told her they are to go three days a week. -The Director or the Licensee/QP had not specified how many days they are to attend. -"I have just been asking them daily if they want to go, and try to encourage them." -If they do not want to go, "I do not make them." <p>During interview on 9/19/19 The Director stated:</p> <ul style="list-style-type: none"> -All clients are now attending a Day Program. -Felt they needed to "get out of the house because they sat at home all day." -The clients are not being forced, but told them they had to go to a program. -Told them if they did not go to a Day Program, "their allowance would be withheld." -Never told them they would have to move out if they did not attend a Day Program, "I would never say that." -Did speak to client #4's brother and told him client #4 could stay in the home, but he needed to 	V 512		

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V 512	<p>Continued From page 6</p> <p>attend a Day Program.</p> <ul style="list-style-type: none"> -Client #4 did not have to go to a program if he did not want to. -The clients did not want to attend Day Program, so "I tried to encourage them." <p>During interview on 9/19/19 the Licensee/Qualified Professional (QP) stated:</p> <ul style="list-style-type: none"> -Clients are now attending Day Programs. -The new client (client #6) was admitted and was already attending the "Drop In Center." -Encouraged the other clients to attend the "Senior Center," which is next door to the "Drop In Center." -They are only attending the "Senior Center" a few days a week. -Client #4 did an orientation at two different Day Programs, and he picked one he liked. -Found out he could not attend that program because they did not have a contract with his home Managed Care Organization (MCO). -The other Day Program he went to did accept his medicaid, but he had just been going to the "Senior Center" with the rest. -Not sure why client #4 had not gone back to the other Day Program. -Was aware the clients did not want to attend Day Programs. -She and the Director (which is her husband) had a meeting a few weeks ago and told them the importance of attending a Day Program. -Been trying to use positive encouragement to get them out of the house. -Not aware of the Director saying he would "evict" them or take their money. <p>At this point the Licensee/QP called the Director and placed him on speaker phone. She questioned if he had told clients he would withhold their money or "evict" them.</p>	V 512		

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V 512	<p>Continued From page 7</p> <p>During the interview on 9/19/19 with Director on speaker phone he stated:</p> <ul style="list-style-type: none"> -He denied he told surveyor he would withhold the clients money. -He stated he told the clients he would give them an increase in their allowance (their \$66.00) if they attended a Day Program. -He stated he told them that to try to encourage them to go. -When asked if he had increased their allowance since the clients were now attending a Day Program and if so how much and when? -The Director stated, "No, I can not afford to give them more money." - "I do not have that to give out." -The Director stated he had not planned to give them more money, "I just told them that so they would go." - "You have to make promises to them sometimes to get them to do things." - "We use positive encouragement here." -The Licensee/QP ended the phone call. <p>Further Interview on 9/19/19 with the Licensee/QP</p> <ul style="list-style-type: none"> -The Director did extra things in the past for the clients all the time. -He would give them "extra money" for cigarettes and buy them things for their birthdays. -Never documented any of the "extra money" that was given to clients. -Had not done any extra things for clients since attending the Day Program. <p>Review on 9/19/19 of Plan of Protection dated 9/19/19 completed by the Licensee/QP revealed:</p> <ul style="list-style-type: none"> - "What immediate action will the facility take to ensure the safety of the consumers in your care?" 	V 512		

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V 512	<p>Continued From page 8</p> <p>We at Access Health System will continue to use positive incentives to encourage our clients to attend day program because we know that with evidence an outing has positive impact on the well being and stability of clients instead of staying home daily. I do not agree with the concept of threat because it was not implied that way, but misunderstanding.</p> <p>-Describe you plans to make sure the above happens? We already have different programs in the county that we work with and will continue to send referrals to those programs and explore other options like library or other activities in wake county may have as alternatives just to encourage socialization."</p> <p>Interviews with three clients with diagnoses of Schizoaffective Disorder, Bi-polar Disorder and OCD all stated they have been told by the Director they must attend a Day Program or they will be "kicked out," or "evicted." Client #5 was told her money would be withheld if she did not attend a Day Program. Two legal guardians had expressed concern as they had been informed a few weeks ago by the clients and the Director, that the clients' placement was in jeopardy if they did not attend a Day Program. Client #2 and #4's legal guardians were also concerned for the clients' mental health status because they appeared to be in a "panic" or a potential of going into "crisis" for the fear of losing their placement. The Director stated he did tell clients he would withhold their allowance and later changed his statement, stating he would increase their allowance but had no intentions of doing so. This deficiency constitutes a Failure to Correct the Type A1 rule violation originally cited for serious abuse. An administrative penalty of \$500.00 per day is imposed for failure to correct within 23</p>	V 512		

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